

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
**Katherine Cue-
Fuente**
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda March 13, 2018 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Katherine Cue-Fuente

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

- Presentation by the Honorable Sally Heyman, Miami-Dade County Board of County Commissioners, District 4, regarding law enforcement and civil citations.
- Presentation of a plaque by Major Hubert Ruiz, on behalf of the Hialeah Police Department, to Sergeant Adrian Gonzalez and Detective Gene Delima for apprehending the serial armed robber who committed twenty-four armed robberies, four of which took place in the City of Hialeah. (HIALEAH POLICE DEPT.)
- Presentation by Mayor Hernandez of a Certificates of Merit to the following 40 students and 10 coaches of Champagnat Catholic School for becoming champions at the Florida High School Athletic Association Football State Championships. The Champagnat Lions were one of only two teams in Miami-Dade County who played.
 - 1) Alan Louis
 - 2) Breyon Williams
 - 3) Calvin Montgomery
 - 4) Daryn Jones
 - 5) Dalvin Montas
 - 6) Dartrell Rolle
 - 7) Desjaun Kearse
 - 8) Dishon Gardner
 - 9) Donald Georges
 - 10) Donovan Georges
 - 11) Elias Blandon
 - 12) Ezekial Figueroa
 - 13) Free Mighty
 - 14) Gregory Rousseau
 - 15) Jahani Wright
 - 16) Jesus Machado
 - 17) Johnquai Lewis
 - 18) Jovens Janvier
 - 19) Kaleb Evans
 - 20) Noah Pierre
 - 21) Kervin Dessources
 - 22) Kevin Acosta
 - 23) Khiry Stubbs
 - 24) Keyshon Gardner
 - 25) Leon McClain
 - 26) Manuel Garriga
 - 27) Marc Britt
 - 28) Michael Cartwright
 - 29) Michael Noel
 - 30) Reginald Dixon
 - 31) Lamarus King
 - 32) Rony Bourdeau
 - 33) Shedrick Urserly
 - 34) Todgrick Walker
 - 35) Terrence Critterdon

- 36) Kayode Oladele
- 37) Maxisien Michel
- 38) Tyrell Page
- 39) Tyronne Streeter
- 40) Hector Clavijo
- 41) John Lewis
- 42) Daniel Clavijo
- 43) Julius Eppinger
- 44) George Stubbs
- 45) Jason Kilpatrick
- 46) Eduardo Barnes
- 47) Dennis Marroquin (Head Coach)
- 48) Frivin Dor
- 49) Jose Ventura
- 50) Dr. Reinaldo F. Alonso (President)
- 51) Nuria Alloza-Sanchez (Principal)
- 52) Isabel C. Alonso (Director)

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- The proposed ordinance for Item 3B has been amended.

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on February 27, 2018. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute a second amendment to the service agreement between Community Champions Corporation, Property Registration Champions, LLC, and the City of Hialeah, Florida, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1" for a term of one year commencing on April 1, 2018 and ending on March 31, 2019, with an option to renew for a one year term; providing for an effective date. (BUILDING)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Converge Systems Co. LLC., vendor providing the lowest quotation, for the replacement of the current building management system that controls the air conditioning inside of City Hall, in the amount of \$37,678, and further request an additional amount of \$3,000 for any unforeseen additional costs that may arise during the implementation of the new system, in a new total cumulative amount not to exceed \$40,678. (CONSTRUCTION AND MAINTENANCE DEPT.)

- D.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-557, issued to Bennett Fire Products Company, Inc., to purchase bunker gear and firefighter personal protective equipment (boots) to outfit sixteen (16) new recruits hired on January 29, 2018, by an additional amount of \$21,064, for a new total cumulative amount not to exceed \$36,064. (FIRE DEPT.)
- E.** Proposed resolution authorizing the application for, and if awarded, the acceptance of, a grant from The Federal Universal Service Fund (e-rate) for schools and libraries, for state fiscal year 2018-2019, for internet services whereby the grant provides for a 90% discount to the City on internet services; and further authorizing the expenditure of \$6,420.00 for internet services; providing for an effective date. (LIBRARY DIV.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Eureka Farms LLC, vendor providing the lowest quotation, to purchase Green Island Ficus Plants to plant throughout the City of Hialeah, in a total cumulative amount not to exceed \$16,500. (STREETS DEPT.)
- G.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Landscape and Turf Maintenance Memorandum of Agreement between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, for the maintenance of turf and landscape of State Road (S.R.) 944 from East 4th Avenue to East 10th Avenue, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; providing for an effecting date. (STREETS)
- H.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Landscape and Turf Maintenance Memorandum of Agreement between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, for the maintenance of turf and landscape of State Road (S.R.) 934 from East 4th Avenue to East 6th Avenue, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; providing for an effective date. (STREETS)
- I.** Report of Scrivener’s Error – On April 26, 2016 the City Council passed and adopted Resolution No. 2016-046, to approve the final decision of the Planning and Zoning Board, Decision No. 16-06 that granted adjustments on property located at 3528 West 14 Lane. The resolution was approved with the address as 3528 West 14 Place, Hialeah, Florida. The resolution is being corrected to reflect “Lane” instead of “Place” in the address. (LAW DEPT.)
- J.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an interlocal agreement for a term of three (3) years with Miami-Dade County for the enforcement of Section 8CC of the Miami-Dade County Code, as it relates to Section 21-81 of the Miami-Dade County Code, regarding the establishment of a Civil Citation Program, and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the lease agreement in substantial form as attached hereto and made a part hereof as Exhibit “A”. (POLICE DEPT.)
- K.** Report of Scrivener’s Error – On January 23, 2018 the City Council passed and adopted Ordinance No. 2018-005, to allow for the replatting, demolition and construction of a duplex on property located at 808 East 32 Street, Hialeah, Florida. The ordinance is

being amended to correct the following errors:

- (1) In the title of the ordinance, as well as in Section 2 of the ordinance, the reference to 4,265 square feet for the corner lot should reflect 5,471.
- (2) The Whereas Clause that provided for the completion of construction in 18 months should read as follows: **WHEREAS**, the developer has proffered a Declaration of Restrictive Covenants to, among other things, ensure the completion of the home within 24 months following the date of approval of the final site plan, and for plat approval within 18 months, to which the City accepts. (LAW DEPT.)

- L. Request permission to utilize State of Florida Contract No. 22101000-15-1 – *Construction and Industrial Equipment*, effective through June 30, 2018, since it is advantageous to the City, and increase purchase order # 2018-162, issued to Kelly Tractor Co, to purchase caterpillar parts and services for the City’s heavy equipment parts, by an additional amount of \$40,000, for a new total cumulative amount not to exceed \$80,000. (FLEET MAINTENANCE DEPT.)
- M. Request permission to increase purchase order # 2018-608, issued to Law Enforcement Psychological and Counseling Associates, Inc., whose primary psychologist is Mark Axelberd, Ph.D., to provide psychological screening services for the hiring of police officers, firefighters and the Employee Assistance Program, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (HUMAN RESOURCES DEPT.)
- N. Request permission to utilize Florida Sheriffs Association Bid No. FSA17-VEL25.0 – *Police Rated, Administrative, Utility Vehicles, Trucks and Vans*, effective through September 30, 2018, and issue a purchase order to Duval Ford, LLC, to purchase thirty (30) 2018 Ford Interceptor Police Rated Sedan, in the amount of \$25,043 per vehicle, in a total cumulative amount not to exceed \$751,290. Further request permission to issue a purchase order to Rainbow Window Tinting Inc., for the outfitting of the vehicles, in a total cumulative amount of \$189,806.70. Further request permission to issue a purchase order to Trimline Graphics International, Inc., for the striping of the vehicles, in a total cumulative amount of \$12,750. (POLICE DEPT.)
- O. Proposed resolution approving the expenditure totaling an amount not to exceed \$57,892.60 from the Law Enforcement Trust Fund – *State*, to purchase forty ballistic helmets from Federal Eastern International, Inc., lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

3. ADMINISTRATIVE ITEMS

- 3A. Second reading and public hearing of proposed ordinance amending Ordinance No. 2018-43 releasing and abandoning the water line easement reserved to the City of Hialeah

legally described and depicted on Exhibit “A” previously reserved upon the closing, vacating and abandoning for public use a 12-foot alley situated within Block 35-B, Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, Plat Book 34, Page 26, of the Miami-Dade County Public Records, lying between East 5 Avenue and East 6 Avenue and between East 25 Street and East 26 Street, Hialeah, Florida; repealing all ordinances or part of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAWDEPT.)

Item was approved by the City Council on first reading on February 27, 2018.

- 3B.** Second reading and public hearing of proposed ordinance amending Chapter 98, entitled “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision IX entitled “Residential Care and Treatment Facilities”, by repealing and replacing §§ 98-1986 through 98-1988, respectively entitled “Definitions”, “Limited Supervisory Residential Care and Treatment Facilities”, and “Supervisory Residential Care and Treatment Facilities” of the Code of Ordinances of the City of Hialeah, Florida, with updated regulations §§ 98-1986 through 98-1988; and by adding new sections 98-1989 entitled “Community Residential Homes”, 98-1990 entitled “Reasonable Accommodation”, 98-1991 entitled “Emergency Power”, and 98-1992, entitled “No Use Variances”; for siting of care and treatment facilities in the City; repealing all prior ordinances in conflict herewith; providing for penalties; providing for severability; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved on first reading by the City Council on January 23, 2018. Second reading and public hearing was scheduled for February 13, 2018. On February 13, 2018 the item was tabled until March 13, 2018.

Item was approved by the City Council on first reading on January 23, 2018.

- 3C.** First reading of proposed ordinance amending Chapter 2 entitled “Administration” of the Code of Ordinances, Article V. entitled “Finance”, Division 2. entitled “Fees and Charges”, and in particular amending Section 2-871 “Duplication and Certification of Public Documents” to provide for deposit requirements when the estimated cost of production exceed \$25.00, providing for time of payment; requiring payment of all past due fees prior to complying with subsequent requests; and to provide length of time copies will be kept after request is fulfilled; repealing all ordinance or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

4. BOARD APPOINTMENTS

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow a residential use on the ground level, where only nonresidential uses are permitted, for construction of a duplex on a substandard lot with a frontage of 50 feet, where 75 feet are required (46% of 100%); an area of 6,750 feet, where 7,500 feet are required; a front setback of 6.5 feet, where 0 feet is required at the ground level; and allow 5 foot 1 inch east side setback, where 10 feet 1 inch are required; all contra to Hialeah Code of Ordinance §§ 98-348(a), 98-972(3)a., 98-976(1), (2)(b.) and (4). **Property located at 33 West 3rd Street, Hialeah, Florida.** Property zoned CBD (Central Business District). Repealing all ordinances in conflict herewith; providing penalties for a violation hereof; providing for a severability clause and providing for an effective date. (*Applicant: Excellent New Homes, LLC, 8806 NW 139 Terrace, Miami Lakes, Florida 33018*)

<i>Item was approved by the City Council on first reading on February 27, 2018. Second reading and public hearing is scheduled for March 13, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on February 14, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Excellent New Homes LLC, 8806 NW 139 Terrace, Miami Lakes, FL 33018.</i>

PZ 2. Second reading and public hearing of proposed ordinance granting a special use permit (SUP) to allow the expansion of the Neighborhood Business District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the development of the property with a 30 unit apartment building; and granting a variance permit to allow 80% of the units with less than 850 square feet, where 90% of the units are required to have a minimum area of 850 square feet; allow front and street side setback of 5 feet 8 inches, where 10 feet is the minimum required for the base of the building; allow 2 inches front and side setbacks for the middle and cap of the building, where 22 feet and 34 feet are the minimum required;

allow 4 feet rear setback for the middle and cap of the building, where 22 feet and 28 feet are the minimum required; allow no pervious area, where 20% is the minimum required; and allow 43 parking spaces, where 68 parking spaces are required; contra to Hialeah Code §§ 98-1630.2, 98-2189(7) and (16)a, 981630.2, 981630.3(e)(1) and (e)(2) and 98-2197, and City of Hialeah Landscape Manual § (E) updated July 15, 2015. Property zoned CR (Commercial Residential). **Property located at 800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq., on behalf of 800 Palm Avenue, LLC*)

Item was approved by the City Council on first reading on February 27, 2018. Second reading and public hearing is scheduled for March 13, 2018.

Registered Lobbyist: Ceasar Mestre Jr. Esq., 7600 West 20 Avenue, #220, Hialeah, FL 33016

Item was approved by the Planning and Zoning Board on February 14, 2018.

Planner's Recommendation: Approval

Owner of the Property: 800 Palm Avenue LLC, 6100 Blue Lagoon Drive, #430. Miami, Florida 33126, Oscar A. Garcia, 6100 Blue Lagoon Drive, # 430, Miami, FL 33126, and Icer Palacio, 6100 Blue Lagoon Drive, # 430, Miami, FL 33126

PZ 3. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 1981-71 (June 23, 1981), that allowed two living units in a single family house, property zoned R-1, and granting a request to rezone the property from R-1 (One Family District) to R-2 (One and Two Family Residential District) to allow the conversion of the existing two living units in the single family house into a duplex; and granting a variance permit to allow total lot coverage of 33.5% where 30% is required; and to allow an interior south side setback to 7.5 feet where 8 feet is required; contra to Hialeah Code of Ordinances §§ 98-546 and 98-2056(b)(2). **Property located at 4451 East 8th Court, Hialeah, Florida;** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Sara Chong, 4451 East 8 Court, Hialeah, FL 33013*)

Item was tabled by the City Council on February 27, 2018 until March 13, 2018, per the request of the Zoning Official. First reading is scheduled for March 13, 2018.

Item was approved subject to declaration of restrictive covenants by the Planning and Zoning Board on February 14, 2018.

Registered Lobbyist: Elisa Garcia, 5721 NW 194 Street, Miami Gardens, Florida, 33169.

Planner's Recommendation: Denial.

Owner of the Property: Sara Chong, 4451 East 8 Court, Hialeah, FL 33013.

NEXT CITY COUNCIL MEETING: Tuesday, March 27, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 22, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).